

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #9	CCRB Case #: 201802155	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/12/2018 5:19 PM	Location of Incident: 644 Gates Avenue	Precinct: 79	18 Mo. SOL 8/12/2019	EO SOL 8/12/2019	
Date/Time CV Reported Sun, 03/18/2018 4:21 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 03/18/2018 4:21 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Job Bellevue	16310	945501	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Angeron	14678	961619	081 PCT
2. POM Danny Su	13167	956283	079 PCT
3. POM Philip Tse	11569	957233	079 PCT
4. POM Christophe Bowie	01121	953697	079 PCT
5. POM Richard Gadson	08528	928333	079 PCT
6. POM Travis Adonis	13919	954463	079 PCT
7. POM Hael Volcy	12808	939666	079 PCT
8. POM Joseph Ardolino	19087	958262	079 PCT
9. SGT Jessica Gavars	02298	945370	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Job Bellevue	Discourtesy: Police Officer Job Bellevue spoke discourteously to § 87(2)(b)	
B.POM Job Bellevue	Force: Police Officer Job Bellevue used a Taser against § 87(2)(b)	

Case Summary

On March 18, 2018, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On February 12, 2018, at approximately 5:19 p.m., at the Family Dollar store located at 644 Gates Avenue in Brooklyn, § 87(2)(b) and § 87(2)(b) became engaged in a dispute that culminated in § 87(2)(b) upending § 87(2)(b) wheelchair, tipping her onto the floor, and hitting her with a cane, and § 87(2)(b) spraying § 87(2)(b) in the face multiple times with pepper spray or mace. Another customer in the Family Dollar, § 87(2)(b) called 911 on § 87(2)(b) behalf. PO Job Bellevue and PO Christian Angeron, both of the 81st Precinct, responded to the scene. PO Bellevue allegedly stated to § 87(2)(b) “Freeze! Get on the ground, motherfucker!” (**Allegation A: Discourtesy-** § 87(2)(g) and then used a Taser against him (**Allegation B: Force-** § 87(2)(g)

This incident occurred within the confines of the 79th Precinct, and several 79th Precinct officers on scene—PO Travis Adonis, PO Hael Volcy, and PO Christopher Bowie—were equipped with body-worn cameras. They arrived on scene and began recording, however, after § 87(2)(b) was handcuffed (Board Reviews 1, 2, and 3).

As a result of this incident, § 87(2)(b) was charged with § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Job Bellevue spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) argued verbally inside of the Family Dollar, and that that dispute quickly became physical when § 87(2)(b) tipped over § 87(2)(b) electric wheelchair, and struck at her face several times with the cane that she carried on the back of the wheelchair. It is also not in dispute that during this altercation, § 87(2)(b) sprayed § 87(2)(b) in the face with mace or pepper spray. It is undisputed that § 87(2)(b) called 911 as this incident transpired.

§ 87(2)(b) testified that he walked through the aisles of the store several times after flipping § 87(2)(b) wheelchair, striking her in the area of her head, and receiving two bursts of pepper spray to his face. At least one male individual attempted to prevent him from leaving the store. When he reached the exit of the store, he was wiping his eyes, and he could only see through one of them. He testified that PO Bellevue told him to “Freeze,” and called him a “motherfucker” (Board Review 4)

§ 87(2)(b) declined to give a statement about the incident, under instruction from Manuel Baptist of the Brooklyn District Attorney’s office (Board Review 5). § 87(2)(b) in a phone statement, said that she did not hear officers using profanity, but also that she did not see § 87(2)(b) being taken into custody (Board Review 6).

The investigation attempted to obtain video footage from the Family Dollar store, but two excursions to the field to do so were not fruitful (Board Reviews 7 and 8).

Neither PO Bellevue nor PO Angeron recalled PO Bellevue calling § 87(2)(b) a “motherfucker,” but both officers remembered him ordering § 87(2)(b) to the ground (Board Reviews 9 and 10).

§ 87(2)(g)

Allegation (B) Force: Police Officer Job Bellevue used a Taser against § 87(2)(b)

It is undisputed that the first information that PO Bellevue and PO Angeron received in regards to this incident was that a man wearing a blue jacket and a red shirt was assaulting someone with a cane inside of the Family Dollar at 644 Gates Avenue in Brooklyn. It is undisputed that § 87(2)(b) matched this description. It is undisputed that PO Bellevue told § 87(2)(b) to get on the ground before using the Taser on him. It is undisputed that PO Bellevue used the Taser for one cycle, and that § 87(2)(b) was handcuffed shortly thereafter.

§ 87(2)(b) stated that after the altercation with § 87(2)(b) he walked around the store to the front. He opened the door, and began to wipe his eyes, as mace or pepper spray had been used against him. He had trouble seeing from one of his eyes at the time. PO Bellevue arrived on scene with one other officer. No other officer had arrived on scene. There was a crowd of approximately 100 individuals, who had left the store to escape the effects of the pepper spray. As he was wiping his eyes, PO Bellevue ordered him to get to the ground. § 87(2)(b) stated that before he had a chance to do so, and before any officer had any physical contact with him, PO Bellevue discharged a Taser into his chest. PO Angeron then handcuffed him (Board Review 4).

PO Bellevue and PO Angeron both stated that they were the first officers who arrived on scene for the call for the assault. They testified that they received a call for a male individual assaulting a female individual with a cane at 644 Gates Avenue, an address that both officers recognized as a Family Dollar. This address is not within the confines of their precinct, but it was a call for a severe crime, and they were nearby. When they arrived on scene, there was a crowd of eight to 15 people, the members of which pointed out § 87(2)(b) as the assailant. Both PO Bellevue and PO Angeron stated that PO Angeron tried to handcuff § 87(2)(b) by grabbing his arm. Per both officers, § 87(2)(b) then tried to walk forwards. PO Bellevue then used the Taser on § 87(2)(b). PO Angeron handcuffed him, and both officers then moved to evaluate the victim.

§ 87(2)(b) said over the phone that § 87(2)(b) was taken into custody after many officers arrived on scene, but she did not see him being taken into custody (Board Review 6). Video footage from the Family Dollar was not available to the investigation.

The ICAD from the incident corroborated that the officers received a call of a male individual hitting a female individual with a cane (Board Review 11).

Patrol Guide Procedure 221-08 governs the use of a conducted electrical weapon, which, per Patrol Guide Procedure 221-03, is a Level 1 use of force (Board Reviews 12 and 13). Patrol Guide Procedure 221-08 lists circumstances under which to evaluate the use of a conducted electrical weapon, which include the severity of the crime and actions taken by the subject, size of the subject in relation to the officers, and potential flight or active evasion of custody.

§ 87(2)(g)

§ 87(2)(g)
§ 87(2)(b) is 6'3" tall and 260 pounds: 80 pounds heavier than PO Bellevue, the heavier officer of the two, and three inches taller than PO Angeron, the taller of the two officers. § 87(2)(g)

(g)
§ 87(2)(g)
§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one prior CCRB complaint. This is the first CCRB complaint in which he has been named as a victim (Board Review 14).
- PO Bellevue has been a member of service for 10 years. 10 prior complaints, with a total of 25 allegations, have been filed against him. None of these allegations has been substantiated. Two allegations against PO Bellevue in case 201706490 are, as of the writing of this report, under investigation (Board Review 15). § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of April 23, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed (Board Review 17).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date